

ORIGINAL

OFFICIAL FILE  
ILLINOIS COMMERCE COMMISSION  
STATE OF ILLINOIS  
COMMERCE COMMISSION

IN RE: ENBRIDGE PIPELINE  
ILLINOIS LLC.

07-0446

Petition pursuant to Section 8-503,  
8-509, 15-401, of the Public Utilities Act -  
the Common Carrier by Pipeline Law to  
Construct and Operate a Petroleum Pipeline  
and when necessary, to Take Private Property  
as Provided by the Law of Eminent Domain.

ILLINOIS  
COMMERCE COMMISSION  
2008 MAY 21 A 11:00  
CHIEF CLERK'S OFFICE

**REPLY BY NON-PARTY EXXONMOBIL PIPELINE COMPANY  
IN FURTHER SUPPORT OF ITS OBJECTION TO RESUBMITTAL OF VERIFIED  
APPLICATION FOR ISSUANCE OF A SUBPOENA DUCES TECUM**

ExxonMobil Pipeline Company ("ExxonMobil Pipeline"), which is not a party to this proceeding, files this reply in further support of its objection to the resubmitted Application for Subpoena presented by Intervenors Pleasant Murphy and the Village of Downs ("Intervenors"). Because Intervenors' Response continues to fail to meet the Commission's criteria for seeking discovery against a non-party, the Application for Subpoena should be denied.

In further support of its objection, ExxonMobil Pipeline states as follows:

1. Intervenors state that ExxonMobil Pipeline is suggesting that Enbridge has "falsely responded" to Intevenors' requests for data (Response ¶ 4). That is not the case. ExxonMobil has no reason to believe that Enbridge was anything but honest when Enbridge responded that it has no data *responsive to a subpoena served upon a completely distinct entity, ExxonMobil Pipeline.*

2. Intervenor has made no specific attempts to obtain the documents they seek from Enbridge. On May 9, 2008, Intervenor filed a Motion to Compel against Enbridge, regarding every data request they had made to Enbridge, *except* for the data sought from ExxonMobil Pipeline through the proposed subpoena.


3. Accordingly, Intervenor fails to show that they are truly unable to obtain these documents. There is therefore no basis for Intervenor to pursue a subpoena against ExxonMobil Pipeline, as noted by this Commission when it denied the original subpoena application. ("The filings . . . do not indicate that Movants are unable to obtain the information from . . . Enbridge . . . , or that Enbridge would not be a proper party from whom to seek it.") (A.L.J. Ruling, Apr. 1, 2008).

\* \* \*

For these reasons, and the reasons set forth in ExxonMobil Pipeline's original objection, ExxonMobil Pipeline requests that the Commission re-affirm its prior denial of this same Application, and requests that any similarly duplicative request be summarily rejected.

Respectfully submitted,

DATED: May 20, 2008

  
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**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION**

ENBRIDGE PIPELINES (ILLINOIS) L.L.C.

Application pursuant to sections 8-503, 8-509 and  
15-401 of the Public Utilities Act — the Common  
Carrier by Pipeline Law to Construct and Operate a  
Petroleum Pipeline and when necessary, to Take  
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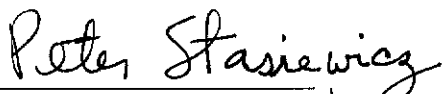
**NOTICE OF FILING**

**TO: SEE ATTACHED SERVICE LIST**

**PLEASE TAKE NOTICE** that on this date we have filed with the Clerk of the Illinois Commerce Commission, a Reply By Non-Party ExxonMobil Pipeline Company In Further Support Of Its Objection To Resubmittal Of Verified Application For Issuance Of A Subpoena Duces Tecum in the above-captioned matter.

Respectfully submitted,

DATED: May 20, 2008

  
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**CERTIFICATE OF SERVICE**

I, Peter Stasiewicz, an attorney, certify that I cause copies of the REPLY BY NON-PARTY EXXONMOBIL PIPELINE COMPANY IN FURTHER SUPPORT OF ITS OBJECTION TO RESUBMITTAL OF VERIFIED APPLICATION FOR ISSUANCE OF A SUBPOENA DUCES TECUM, to be served on each of the parties listed on the service list via electronic or regular mail, this 20th day of May, 2008.

Peter Stasiewicz  
One of Its Attorneys *KDH*

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